



New Jersey Department of Children and Families Policy Manual

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SUBJECT: Individualized Education Programs

EFFECTIVE DATE: September 5, 1989

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A. OBJECTIVE:

To assure the appropriate and timely development, implementation and review of Individualized Education Programs (IEP) for students with disabilities, 3 to 21 years of age, under the jurisdiction of the Department of Children and Families (DCF) Office of Education (OOE).

B. STANDARDS:

1. Each eligible student with a disability, 3 to 21 years of age, in a Department of Human Services (DHS) or a DCF state facility education program shall have an IEP developed and implemented according to the requirements of N.J.A.C. 6A:14.
2. For those students for whom the DCF OOE provides child study team services, the letters and forms in the *Supervisor of Educational Programs/ Child Study Team Letters and Forms Manual* (SEP/CST Manual) shall be utilized to implement the procedures in this policy and the aforementioned manual.
3. Parents shall be afforded all procedural safeguards concerning IEP development and implementation (notice, consent, participation in meetings) according to N.J.A.C. 6A:14-2.3.

4. Communication with the parent(s) shall be in the language used for communication by the parent(s) and student unless it is clearly not feasible to do so pursuant to N.J.A.C. 6A:14-2.4.
5. Educational and related services shall be provided in accordance with the IEP of each student with a disability and the rules governing special education at N.J.A.C. 6A:14.
6. Annually, or more often as necessary, meetings shall be conducted to review and revise the student's IEP and determine educational placement pursuant to N.J.A.C. 6A:14.
7. When a student is placed in a DCF Regional School by a district board of education (tuition student), the IEP shall be developed by the district board of education, and the educational program and services as required in the student's IEP shall be provided in accordance with N.J.A.C. 6A:14-7.

C. PROCEDURES:

1. When a student enters a state facility program, the student's educational records shall be requested in accordance with the SEP/CST Manual.
2. When a student is placed in a DCF or DHS State facility by a public agency other than the district board of education, the DCF or DHS State facility education program shall provide services according to the following:
 - a. If the student is a student with a disability, an immediate review of his/her classification and IEP shall be conducted, and the student shall be placed in a program consistent with the goals and objectives of the current IEP.
 - b. If the student is not currently classified as a student with a disability or if the State facility does not have current school records, the DCF or DHS State facility education program shall review the student's educational status and shall determine, within 30 calendar days, if referral to the child study team is required as outlined in OOE Policy #23, "Identification, Location and Referral for Students Who May Have a Disability."
3. Written notice shall be provided as required to parents of State Facility Education Act (SFEA) and State Responsible students according to N.J.A.C. 6A:14-2.3 (f), (g) and (h); OOE Policy #26, "Establishment and Implementation of Procedural Safeguards"; and the SEP/CST Manual.
4. For each student with a disability, a meeting to develop a new IEP shall be held within 30 days of the student's admission to a State facility program unless a new IEP for a tuition student was developed prior to admission.

- a. Any barrier to developing the IEP for an SFEA or State Responsible student within 30 days shall be documented in the student's record by the SEP or CST staff member.
 - b. In the event a tuition student's district board of education fails to provide CST services in accordance with the requirements of N.J.A.C. 6A:14, the SEP shall notify the district concerning their noncompliance and shall document the occurrence in the student record.
- 5. The IEP shall be developed by the IEP team according to N.J.A.C. 6A:14-2.3 (k) 2 for students classified eligible for special education and related services or according to N.J.A.C. 6A:14-3.6(d) for students classified eligible for speech-language services.
 - a. Signatures of those persons who participated in the meeting to develop the IEP shall be maintained and either a copy of the IEP or written notes setting forth agreements with respect to the IEP as determined by the IEP team shall be provided to the parent(s) at the conclusion of the meeting.
 - b. When the parent declines participation in an IEP meeting or is in disagreement with the recommendations, the remaining participants shall develop a written IEP.
 - c. If an agency invited to send a representative to the IEP meeting does not do so, other steps shall be taken to obtain the participation of the other agency in the planning of any transition services.
- 6. When developing the IEP, the IEP team shall:
 - a. Consider the strengths of the student and the concerns of the parents for enhancing the education of their child;
 - b. Consider the academic, developmental and functional needs of the student;
 - c. Consider the results of the initial evaluation or most recent evaluation of the student and, as appropriate, the student's performance on a statewide assessment;
 - d. When a student's behavior impedes his or her learning or that of others, consider, as appropriate, strategies to address that behavior including positive behavioral interventions and supports;
 - e. In the case of a student with limited English proficiency, consider the language needs of the student as related to the IEP;

- f. In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills and current and projected needs for instruction in Braille, that such instruction is not appropriate;
 - g. Consider the communication needs of the student;
 - h. In the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of opportunities for direct instruction in the student's language and communication mode;
 - i. Consider whether the student requires assistive technology devices and services, and if required as part of the student's special education, related services or supplementary aids and services, the DCF or DHS education program in conjunction with the OOE shall ensure that assistive technology devices and/or services are made available to a student with a disability;
 - 1) The ES and other staff, as appropriate, shall complete a Referral for Assistive Technology and forward it to the Manager of the Technology for Life and Learning Center (TLLC) at the OOE.
 - 2) A staff member from the TLLC shall respond to the ES within 10 days of receiving the referral and inform the ES of how they will address the referral and provide services when warranted.
 - 3) A copy of all correspondence with the ES related to the referral shall be provided to the CST case manager.
 - j. Beginning at age 14, or younger if determined appropriate by the IEP team, consider the need for technical consultation from the Division of Vocational Rehabilitation Services, Department of Labor and other agencies providing services for individuals with disabilities; and
 - k. For preschool students, review the preschool day to determine what accommodations and modifications may be required to allow the child to participate in the general education classroom and activities.
- 7. An IEP may be amended without a meeting of the IEP team according to the requirements of N.J.A.C. 6A:14-3.7 (d), as follows:

- a. The IEP may be amended if the parent makes a written request for a specific amendment to a provision or provisions of the IEP and the child study team agrees;
 - b. The child study team provides the parent with a written proposal to amend a provision or provisions of the IEP and, within 15 days from the date the written proposal is provided to the parent, the parent consents to the proposed amendment;
 - c. All amendments pursuant to a. and b. above shall be incorporated into an IEP Amendment, and a copy of the IEP Amendment shall be provided to the parent within 15 days of receipt of parental consent; and
 - d. If an IEP is amended pursuant to N.J.A.C. 6A:14-3.7 (d), such amendment shall not affect the requirement that the IEP team review the IEP at a meeting annually, or more often if necessary.
8. The DCF OOE TIENET IEP format, which includes all required components of the IEP pursuant to N.J.A.C. 6A:14-3.7 (e), shall be used for those students with disabilities for whom the DCF OOE is responsible for providing CST services. Likewise, the DCF OOE TIENET IEP Amendment format shall be used when an IEP Amendment is implemented.
9. Beginning at age 14, the IEP shall specifically address the graduation requirements of the student's district board of education and in accordance with N.J.A.C. 6A:8-5, except as otherwise specified in the student's IEP.
 - a. For an SFEA student 14 years of age or older, any exemptions or modifications to the graduation requirements and alternate proficiencies specified in the student's IEP shall be reviewed by the chief school administrator of the student's district board of education.
 - b. For a State responsible student 14 years of age or older, the Director, OOE, or designee, shall review the exemptions or modifications to the graduation requirements and alternate proficiencies specified in the student's IEP.
10. As per the procedures in the SEP/CST Manual, a copy of the SFEA student's IEP shall be forwarded to the parent and to the district board of education.
 - a. A student who has an individualized habilitation plan or an individual treatment plan shall have his/her IEP incorporated into the plan pursuant to N.J.A.C. 6A:14-8.1 (c).

- b. For a student who has an assigned Division of Youth and Family Services (DYFS) or Division of Developmental Disabilities (DDD) caseworker, Probation Officer or other State-affiliated casemanager, the IEP shall only be forwarded to those individuals with parental consent.
 - c. When DYFS has legal guardianship of a student which is supported by a written court order, a copy of the IEP may be forwarded to the DYFS worker without parental consent.
- 11. An IEP shall be implemented following the IEP meeting and the completion of all required actions.
 - a. Initial implementation of special education shall not occur until consent is obtained.
 - b. For other than initial implementation of special education, consent is not required.
 - c. The Education Supervisor (ES) in each DCF and DHS State facility education program shall ensure that a student's IEP is implemented without delay, by the date of implementation noted on the cover sheet of the IEP.
 - d. For students attending schools other than DCF or DHS State facility education programs, when there is a delay with implementing the IEP, the CST case manager shall attempt to facilitate timely implementation of the IEP and shall report any unresolved problems to the appropriate Manager of Child Study Services.
 - e. The ES in each DCF and DHS State Facility education program shall inform the appropriate teacher(s) and provider(s) about their specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports to be provided for the student in accordance with the IEP.
 - 1) Every student's IEP shall be accessible to each general education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation; and
 - 2) The ES shall maintain documentation that the teacher(s) and provider(s), as applicable, have been informed of his/her specific responsibilities related to implementing the IEP.
 - 3) The ES shall ensure that teachers and teacher aides are provided with adequate time for consultation on a regular basis as specified in each student's IEP.

12. The ES or designee shall ensure the provision of educational and related services as stipulated in the student's IEP and the maintenance of appropriate documentation of service delivery.
 - a. The ES or designee shall assure that each teacher develops lesson plans based on the student's IEP goals and objectives which shall be related to the core curriculum content standards through the general education curriculum unless otherwise required according to the student's educational needs or appropriate, student specific, functional needs.
 - b. The ES or designee shall ensure that student progress information is maintained against the goals and objectives in the IEP and that report cards/progress reports be forwarded to the parent and the responsible district board of education in accordance with OOE Policy #38, "Reporting Student Progress and Administration of Statewide Assessments."
 - c. When transportation is listed as a related service in a student's IEP, a student shall not be suspended from transportation, independently from school, since the school would be required to provide alternate transportation.
13. If an agency other than the DCF or DHS education program fails to provide the transition services included in the IEP of a student for whom the OOE provides child study team services, the DCF or DHS education program shall reconvene a meeting of the IEP participants, and alternative strategies to meet the student's transitional objectives shall be identified.
14. Annually, or more often if necessary, the IEP team shall meet to review and revise the IEP and determine educational placement. The IEP team shall review:
 - a. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;
 - b. The results of a reevaluation conducted;
 - d. Information about the student including information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
 - e. The student's anticipated needs; and/or
 - f. Other relevant matters.

15. For a student in a separate setting (i.e. out of the home school), activities necessary to transition the student to a less restrictive placement shall be considered at least annually by the IEP team.

Debra Stewart
Director

Note: This is a reproduction of a signed document. The original document is on file with the DCF Office of Education.